

## **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:** Comprehensive Plan Conformity No. 02001      **Date:** February 19, 2002  
NW 120<sup>th</sup> and West Superior Street Conservation Easement

**PROPOSAL:** Request by the Lower Platte South Natural Resources District, to find the acquisition of a permanent conservation easement over approximately 7 1/2 Acres of virgin tall grass prairie on property generally located at West Superior Street and NW 120<sup>th</sup> Street conforms with the Comprehensive Plan.

**LAND AREA:** 7.5 acres more or less.

**CONCLUSION:** The proposed easement will protect virgin tall grass prairie and is not an obstacle to any planned action. Acquisition of the conservation easement by the Lower Platte South Natural Resources District is in conformance with the Comprehensive Plan and directly supports several goals of the Plan.

<b><u>RECOMMENDATION:</u></b>	In conformance with the Comprehensive Plan.
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** An approximately 7 ½ acre area within the following described area, the north one half (N1/2) of the south one half (S1/2) of the southwest one quarter (SW 1/4) of the northeast one quarter (NE1/4) of Section Seven (7) Township Ten (10) north, Range Five (5) East of the 6<sup>th</sup> PM., Lancaster County, Nebraska.

**LOCATION:** Southwest of N.W. 126<sup>th</sup> and West Superior Streets.

**APPLICANT:** Dan Schulz, Resources Coordinator  
Lower Platte South Natural Resources District  
3125 Portia St., Box 83581  
Lincoln, NE 68501-3581  
(402) 476-2729

**CONTACT:** Dan Schulz

**OWNER:** John E. and Mary J. Winter  
3701 N.W. 126<sup>th</sup> St.  
Lincoln, NE 68524

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Farming/pasture

**SURROUNDING LAND USE AND ZONING:**

North:	AG Agricultural	Farming and one dwelling, Pawnee Lake 1/4 mile north
South:	AG Agricultural	Farming and one dwelling
East:	AG Agricultural	About six acreage dwellings, Pawnee Lake 1/4 mile east
West:	AG Agricultural	Farming

**ASSOCIATE APPLICATIONS:** none.

**HISTORY:** August 1977, changed from AA Rural and Public Use to AG Agriculture.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan designates this area as Low Density Residential with Agriculture to the west and Parks (Pawnee Lake) and Low Density Residential to the north and east.

The Comprehensive Plan indicates that;

- "Protect natural stream corridors and enhance man-made open channels for the purpose of improving water quality and reducing flood damage and erosion while retaining open space"(page 70).
- "Make preservation, protection and enhancement of our natural resources and open space an integral part of the current and long range planning and development processes.
- Protect unique, rare, threatened or endangered plant and animal species in our community.
- Maintain, preserve and enhance existing native prairie, and re-establish native plants on eroded areas to halt soil degradation, provide economic gain and enhance the landscape.
- Preserve, conserve and expand the significant ecological resources and important historical sites that relate to the history and development of the community" (p. 74).

**UTILITIES:** This area is outside the future urban service area shown in the Comprehensive Plan. This is outside any water district.

**TOPOGRAPHY:** Gently rolling hills, falling off to the northeast.

**REGIONAL ISSUES:** Preservation of native prairie. Development around lakes. Potential smoke from prairie management by burning.

**ENVIRONMENTAL CONCERNS:** Preservation of prairie. Water quality into Pawnee Lake.

**ANALYSIS:**

1. The Nebraska state 'Conservation and Preservation Easement Act' (NE State Statute 76-2000-112 requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. Planning Commission action is final. Therefore, prior to the filing of a conservation easement with the Register of Deeds, the Planning Commission must find that the acquisition of an easement is in conformance with the Comprehensive Plan.
2. The purpose of this Comprehensive Plan Conformity item is to determine whether a permanent conservation easement is in conformance with the Comprehensive Plan.
3. This conservation easement is for the purpose of protecting the scenic beauty, wildlife habitat, prairie, and woodlands in its present state as a natural area.
- 4, The Lower Plat NRD will accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

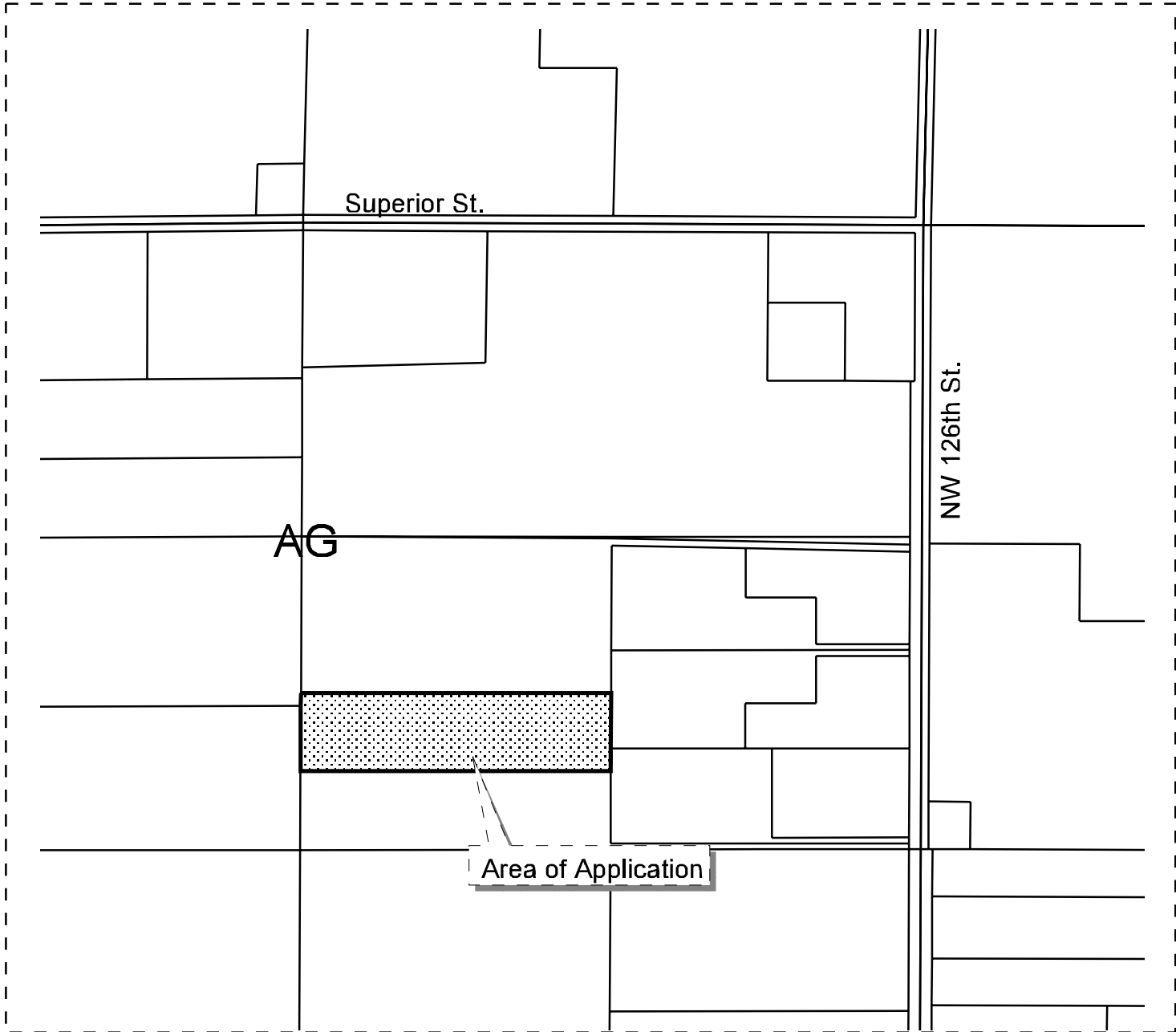
Mike DeKalb AICP  
Planner



**County Comp Plan Conformance #02001**  
**NW 126th & Superior St.**  
**Conservation Easement**



Photograph Date: 1999



## County Comp Plan Conformance #02001

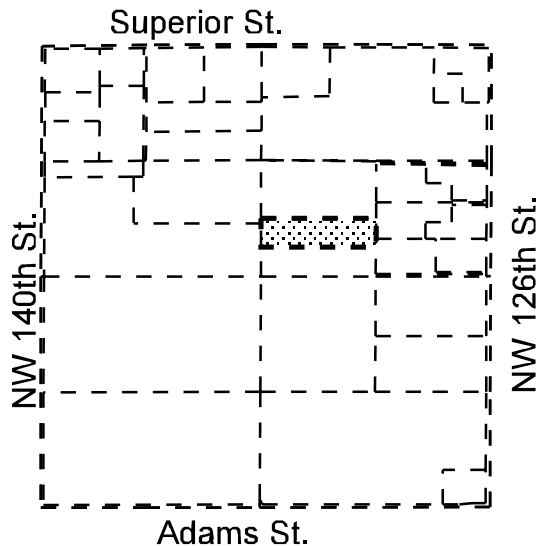
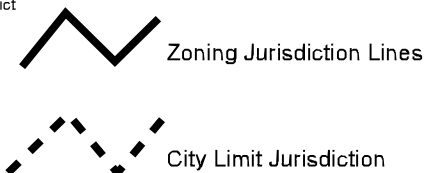
### NW 126th & Superior St.

### Conservation Easement

#### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 7 T10N R5E



LOWER PLATTE SOUTH  
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581  
(402) 476-2729 • FAX (402) 476-6454  
www.lpsnrd.org

FEB - 8 2002

February 7, 2002

Mike Dekalb  
Lincoln/Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Mike:

The Lower Platte South NRD requests the district be scheduled to appear before the Lincoln/Lancaster County Planning Commission for comprehensive plan compliance of a conservation easement on virgin tall grass prairie located in the SW1/4 of the NE1/4 of Section 7, Township 10 North, Range 5 East, Lancaster County, Nebraska. The conservation easement is being granted to the district by John E. and Mary J. Winter of 3701 NW 126<sup>th</sup> Street, Lincoln, Nebraska.

I have enclosed a copy of the conservation easement, which has attached as Exhibit A the photo of section 7 with the easement area shown. On page 14 is the place for the planning commission to sign if the conservation easement is approved. Upon approval the district will have the conservation easement recorded.

Please contact me when the conservation easement will be on the planning commission's agenda and if you have any questions or need any additional information. Thank you for your consideration.

Sincerely,

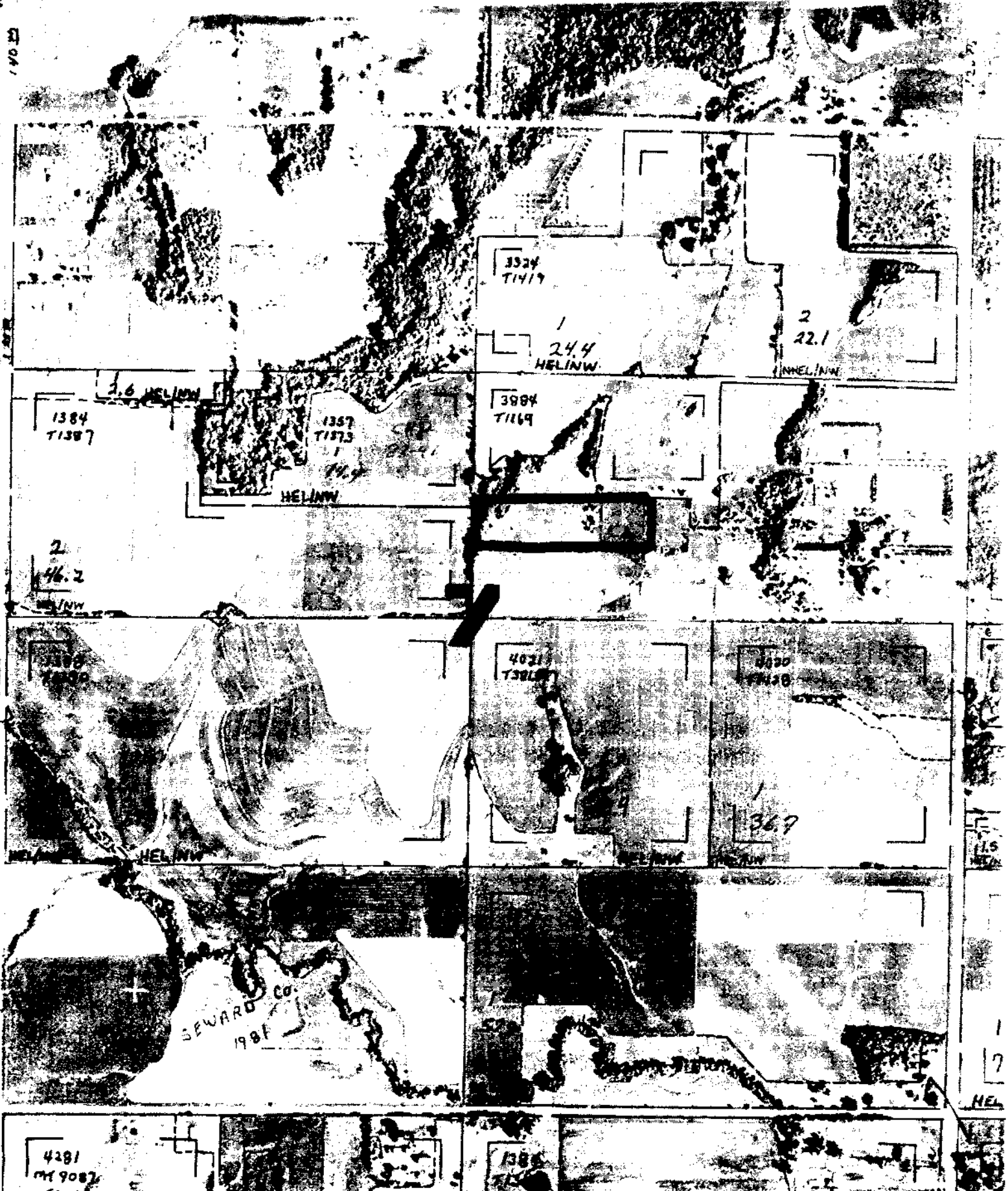
Dan Schulz  
Resources Coordinator

Encl.

Pc Conservation easements file

EXHIBIT A

Lancaster County, Nebraska  
T-10-N, Range-5-E, Section 7



Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

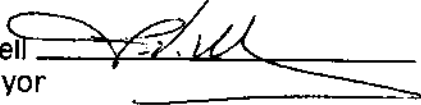
Department

DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

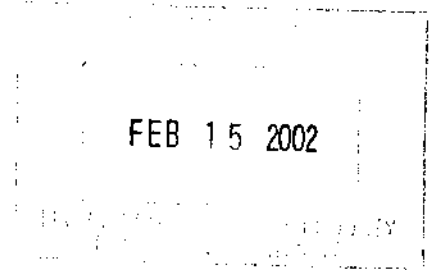
**DATE:** February 14, 2002

**TO:** Mike DeKalb  
Planning Department

**FROM:** Larry V. Worrell  
County Surveyor



**SUBJECT:** CONSERVATION EASEMENT  
SW¼ NE¼ SECTION 7, TOWNSHIP 10 NORTH, RANGE 5 EAST



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Upon review, this office has no direct objections to this submittal.

LW/rln